

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALBERTO PAGAN,

Petitioner,

v.

MARILYN S. BROOKS, et al,

Respondents.

Civil Action No. 07-28 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on March 1, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on October 11, 2007 [13], recommended that the Respondents' Motion to Transfer Proceeding [12] be granted and that the petition for writ of habeas corpus be transferred to the U.S. District Court for the Eastern District of Pennsylvania. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Albion, where he is incarcerated, and on Respondents. Petitioner has filed no objections to Chief Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of November, 2007;

IT IS HEREBY ORDERED that the Respondents' Motion to Transfer Proceedings [12] be and hereby is GRANTED. The Clerk of Court is hereby directed to TRANSFER the instant petition for writ of habeas corpus forthwith to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on October 11, 2007 [13] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge